
From: Souki, Jesse K.
To: 'Ted.Matley@dot.gov'
CC: Miyamoto, Faith; Woo, Donna M; 'Renee.Marler@dot.gov'
Sent: 12/9/2009 5:28:17 PM
Subject: RE: Comments on Slater letter

CONFIDENTIAL AND PRIVILEGED COMMUNICATION

Ted,

Faith asked that I answer the two questions you presented in your email, below. I will answer your first question in this email and will follow up on your second question separately.

Your question 1: "Can you explain how the state law works requiring response letters to public comment? Particularly as to the timing of the response letters relative to the FEIS."

Under Hawaii Revised Statutes chapter 343 and agency rules adopted to implement that statute under Hawaii Administrative Rules chapter 11-200, there is no deadline within which to respond in writing to comments received during the public review period. In practice, the agency (i.e., DTS) mails the responses to comments when the EIS document is submitted to the Office of Environmental Quality Control ("OEQC") and distributed to persons and entities on the distribution list of reviewers approved by the OEQC. These events will occur soon after the governor or an authorized representative accepts the final EIS.

Sincerely,

Jesse K. Souki

Deputy Corporation Counsel

City and County of Honolulu

Tel.: (808) 768-5135

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>
> -----Original Message-----
> From: Ted.Matley@dot.gov [mailto:Ted.Matley@dot.gov]
> Sent: Tuesday, December 08, 2009 3:21 PM
> To: Miyamoto, Faith

AR00120699

> Subject: Comments on Slater letter

>

> Faith, attached are comments/edits on the Cliff Slater letter.

>

> Also, Can you explain how the state law works requiring response letters

> to public comment? Particularly as to the timing of the response letters

> relative to the FEIS.

>

> Second, the Slater letter points to a non-profit organization called "Go

> Rail Go" as a big proponent of the project, and the Slater letter suggests

> that Parsons Brinckerhoff has made substantial donations to that

> organization (the commenter failed to make the link that PB prepared the

> NEPA document). Has PB executed the conflict of interests disclosure

> statement required by the CEQ regulations? Are there conflict issues here?

>

> On these last two questions please respond to Renee, maybe if your counsel

> contacts her directly that would be easiest.

>

> Ted